

**SURCHARGE ON TRAFFIC VIOLATIONS
AMENDMENTS**

2002 FIFTH SPECIAL SESSION

STATE OF UTAH

Sponsor: D. Chris Buttars

This act modifies the disposition of specific amounts of the surcharges imposed on fines and deposited into the General Fund. The act adds to the uses for which amounts deposited to the Crime Victim Reparation Fund may be applied.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-63a-4, as last amended by Chapter 256, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-63a-4** is amended to read:

63-63a-4. Distribution of surcharge amounts.

(1) In this section:

(a) "Reparation fund" means the Crime Victim Reparation Fund.

(b) "Safety account" means the Public Safety Support Account.

(2) (a) There is created a restricted special revenue fund known as the "Crime Victim Reparation Fund" to be administered and distributed as provided in this chapter by the Reparations Office under Title 63, Chapter 25a, Part 4, Crime Victims' Reparations Act, in cooperation with the Division of Finance.

(b) Monies deposited in this fund are for victim reparations, criminal justice and substance abuse, other victim services, and, as appropriated, for administrative costs of the [~~Reparations Office~~] Commission on Criminal and Juvenile Justice under Title 63, Chapter 25a[, ~~Part 4, Crime Victims' Reparations Act~~].

(3) (a) There is created a restricted account in the General Fund known as the "Public Safety Support Account" to be administered and distributed by the Department of Public Safety in cooperation with the Division of Finance as provided in this chapter.

(b) Monies deposited in this account shall be appropriated to:

(i) the Division of Peace Officer Standards and Training (POST) as described in Title 53, Chapter 6, Peace Officer Standards and Training Act; and

(ii) the Office of the Attorney General for the support of the Utah Prosecution Council established in Title 67, Chapter 5a, and the fulfillment of the council's duties.

(4) The Division of Finance shall allocate from the collected surcharge established in Section 63-63a-1:

(a) 35% to the reparation fund~~[-, but not to exceed \$2,500,000 for fiscal year 1993-94];~~

(b) 18.5% to the safety account for POST, but not to exceed the amount appropriated by the Legislature; and

(c) 3% to the safety account for support of the Utah Prosecution Council, but not to exceed the amount appropriated by the Legislature.

(5) (a) In addition to the funding provided by other sections of this chapter, a percentage of the income earned by inmates working for correctional industries in a federally certified private sector/prison industries enhancement program shall be deposited in the reparation fund.

(b) The percentage of income deducted from inmate pay under Subsection (5)(a) shall be determined by the executive director of the Department of Corrections in accordance with the requirements of the private sector/prison industries enhancement program.

(6) (a) In addition to ~~[the money]~~ other monies collected from the surcharge, judges are encouraged to, and may in their discretion, impose additional reparations to be paid into the reparation fund by convicted criminals.

(b) The additional discretionary reparations may not exceed the statutory maximum fine permitted by Title 76, Utah Criminal Code, for that offense.